



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/760,999

Filing Date

January 20, 2004

First Named Inventor

Mark Harbaugh

Art Unit

3731

Examiner Name

Erezo, Darwin P.

Attorney Docket Number

50642/287728

ENCLOSURES (check all that apply)

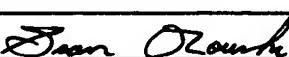
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
		Form PTO/SB/08/ (03 sheets) 30 Publications
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Kilpatrick Stockton, LLP		
Signature			
Printed Name	Michael A. Bertelson		
Date	June 19, 2006	Reg. No.	54,713

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Sean O'Rourke
	Date
	June 19, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: HARBAUGH, et al.

SERIAL NO.: 10/760,999 Group Art Unit: 3731

FILED: January 20, 2004 Examiner: EREZO, Darwin P.

FOR: SYSTEMS AND METHODS FOR PERFORMING
MINIMALLY INVASIVE INCISIONS

Attorney Docket No.: 50642/287728

Date: June 19, 2006

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner. Copies of the cited non-U.S. publications and other materials are enclosed.

Submission of the references provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S. Serial No. 10/760,999

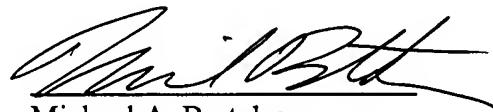
Filed: January 20, 2004

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Page 2

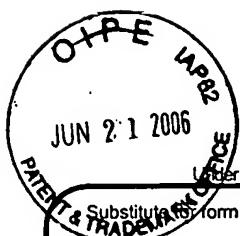
This Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before the mailing date of an office action on the merits. Applicants believe that no fee is due for consideration of this paper. However, if a fee is due, the Commissioner is authorized to charge any fee due to Deposit Account No. 11-0855.

Respectfully submitted,



Michael A. Bertelson
Registration No. 54,713

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
Phone (404) 815-6500



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for Form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

3

Complete if Known

Application Number	10/760,999
Filing Date	January 20, 2004
First Named Inventor	Harbaugh
Art Unit	3731
Examiner Name	Erezo, Darwin P.

Attorney Docket Number 50642/287728

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 5,305,203	04-19-1994	Raab	
		US- 5,445,166	08-29-1995	Taylor	
		US- 2002/0032451 A1	03-14-2002	Tierney, et al.	
		US- 2004/0073279 A1	04-15-2004	Malackowski, et al.	
		US- 6,728,599	04-27-2004	Wang	
		US- 2004/0087852 A1	05-06-2004	Chen, et al.	
		US- 2004/0097952 A1	05-20-2004	Sarin, et al.	
		US- 6,785,593	08-31-2004	Wang	
		US- 6,799,088	09-28-2004	Wang	
		US- 2004/0254586	12-16-2004	Sarin	
		US- 6,836,703	12-28-2004	Wang	
		US- 2005/0021043	01-27-2005	Jansen	
		US- 6,871,117	03-22-2005	Wang	
		US- 6,892,112	05-10-2005	Wang	
		US- 2005/0149003 A1	07-07-2005	Tierney, et al.	
		US- 2005/0148843	07-07-2005	Roose	
		US- 2005/0177172	08-11-2005	Acker	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

3

<i>Complete if Known</i>	
Application Number	10/760,999
Filing Date	January 20, 2004
First Named Inventor	Harbaugh
Art Unit	3731
Examiner Name	Erezo, Darwin P.

Attorney Docket Number 50642/287728

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ – Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY			
		WO 1986/05384	09-25-1986	Minnesota Mining and Manuf		
		WO 1989/09570	10-19-1989	Albrektsson		
		WO 2001/34050 A2 and A3	05-17-2001	Medtronic Surgical		
		WO 2003/034213 A2	04-24-2003	Z-KAT Inc.		
		WO 2003/037192 A1	05-08-2003	Sherry		
		WO 2003/071969 A1	09-04-2003	Depuy International		
		WO 2004/029908 A1	04-08-2004	Surgical Science		
		WO 2004/030556 A2	04-15-2004	Orthosoft, Inc.		
		WO 2004/030559 A1	04-15-2004	Orthosoft		
		WO 2004/08740 A1	10-07-2004	Brevig		
		WO 2005/009303 A1	02-03-2005	Echeverri		
		GB 2 224 937	05-23-1990	Farmer		
		GB 2 397 769 A	08-04-2004	Sherry		Abstr
		EP 0 327 509 A1	08-09-1989	Protek AG		
		EP 0 327 509 B1	08-09-1989	Protek AG		
		EP 0 216 794 B1	12-13-1989	Minnesota Mining and Manuf		
		EP 1 149 562 A2	10-31-2001	Bristol-Myers Squibb		
		EP 1 236 450 A1	09-04-2002	Biomet Inc.		
		EP 1 384 456 A2	01-28-2004	Biomet Inc.		
		EP 1 405 603 A2	04-07-2004	Bristol Myers Squibb		
		EP 1 435 223 A1	07-07-2004	DePuy		
		EP 1 459 686 A2	09-22-2004	Zimmer Tech.		
		EP 1 532 946 A2	05-25-2005	Biomet Manuf		

Examiner Signature

Date Considered

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

3

of

3

Attorney Docket Number

Complete if Known

<i>Application Number</i>	10/760,999
<i>Filing Date</i>	January 20, 2004
<i>First Named Inventor</i>	Harbaugh
<i>Art Unit</i>	3731
<i>Examiner Name</i>	Erezo, Darwin P.